

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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ASSEMBLY POINT AVIATION, INC.

Plaintiff,

-against-

RICHMOR AVIATION, INC.,

Defendants.

**AFFIDAVIT IN OPPOSITION**

Case No.: 1:13-CV-0298

Assigned Judges:  
F.J.S. & R.F.T.

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STATE OF NEW YORK     )  
COUNTY OF ALBANY    ) ss:

BRIAN M. QUINN, being duly sworn, deposes and says:

1. I am associated with Tabner, Ryan and Keniry, LLP, the attorneys of record for Defendant Richmor Aviation, Inc. ("Richmor"). As such, I am fully familiar with the facts in this matter.
2. I submit this affidavit in opposition to Plaintiff's motion to quash.
3. Attached as **Exhibit A** is the deposition transcript of Cynthia Suprenant.
4. Attached as **Exhibit B** is the deposition transcript of David Gilmour.
5. Attached as **Exhibit C** is the deposition transcript of Phillip Morse.

6. Attached as **Exhibit D** is the deposition transcript of Mahlon Richards.
7. Attached as **Exhibit E** is a portion of a verified supplemental discovery response from Defendant.
8. Attached as **Exhibit F** is a copy of the Plaintiff's complaint.
9. Attached as **Exhibit G** is a copy of the Defendant's Answer.
10. Attached as **Exhibit H** is a copy of the parties' lease agreement.
11. Attached as **Exhibit I** is a copy of the parties' management agreement.
12. Attached as **Exhibit J** are emails referenced in the memorandum of law.
13. Attached as **Exhibit K** is a copy of Defendant's accounting expert disclosure.
14. Attached as **Exhibit L** are copies of the unpublished cases cited in Defendant's memorandum of law.
15. For the reasons set forth in its memorandum of law, Defendant respectfully requests that the Court deny Plaintiff's motion in its entirety, together with such other relief as the Court deems just and proper.

Dated: May 20, 2014  
Albany, New York

  
\_\_\_\_\_  
Brian M. Quinn

Sworn to and subscribed to  
before me this 20th day of  
May, 2014.

  
\_\_\_\_\_  
Notary Public - State of New York

Michele J. Chase  
Notary Public, State of New York  
No: 01CH6212801  
Qualified in Montgomery County  
Commission Expires 10/19/2017

**CERTIFICATE OF SERVICE**

I, Brian M. Quinn, Esq., declare under penalty of perjury that I have served a copy of the attached Affidavit of Brian M. Quinn, with Exhibits A-L, upon all of the attorneys of record via ECF and overnight mail (Federal Express) on May 20, 2014, to the following:

John J. Henry, Esq.  
Robert S. Rosborough IV, Esq.  
Whiteman Osterman & Hanna LLP  
One Commerce Plaza  
Albany, New York 12260

Dated: May 20, 2014  
Albany, New York

**s/ Brian M. Quinn**

Brian M. Quinn, Esq.  
Bar No.: 516452  
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*Richmor Aviation, Inc.*  
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